

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD.**

**910 CIVIL APPLICATION NO. 4953 OF 2025
IN FAST/27258/2021**

Vitthal Chatru Pardeshi (rajput) And Ors

VERSUS

The Ex. Engineer, Minor Irrigation Div. (m.i.w) Jalgaon

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Mr. Koralkar Arun Hanumant, Advocate for Applicant

Mr. Subhash S. Chillarge - Advocate for Respondent No. 1

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CORAM : NEERAJ P. DHOTE, J.

DATED : 09TH MAY 2025

PER COURT : -

1. This is an Application by the Original Claimants for withdrawal of the amount deposited by the Acquiring Body in this Court.

2. The learned Advocate for the Applicants / Claimants submits that the Acquiring Body has deposited 10% of the amount under the Award before the learned Reference Court and subsequently, the Acquiring Body has deposited 40% of the amount under the Award in this Court. He submits that similarly placed Claimants in the connected Appeals arising out of the same acquisition proceedings and same Award were permitted to withdraw 50% of the amount out of the 40% amount deposited by the Acquiring Body in the said Appeal. He submits that the Applicants have withdrawn 10% amount, which was deposited before the learned Reference Court, and now seeks withdrawal of 15% amount out

of 40% amount deposited by the Acquiring Body in this Court, along with interest accrued thereon.

3. Learned Advocate for the Accusing Body does not dispute the aforesaid aspect. He submits that, 15% amount out of the 40% amount deposited in this Court may be allowed to be withdrawn by the Applicants, subject to usual undertaking before the Registrar (Judicial) of this Court.

4. In view of the above submissions, the Applicant is allowed to withdraw 15% amount out of the 40% amount along with interest accrued thereon deposited by the Acquiring Body in this Court, subject to furnishing usual undertaking to the satisfaction of the Registrar (Judicial) of this Court. Remaining amount be deposited in the Fixed Deposit Receipt [FDR] in any Nationalized Bank on yearly renewal basis till the disposal of the Appeal.

5. The Application stands disposed off.

[NEERAJ P. DHOTE]
JUDGE